
SENATE BILL 5160

State of Washington

60th Legislature

2007 Regular Session

By Senators Jacobsen, Kohl-Welles and Rasmussen

Read first time 01/11/2007. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to formation of an organic foods commission; adding
2 a new section to chapter 15.24 RCW; adding a new section to chapter
3 15.26 RCW; adding a new section to chapter 15.28 RCW; adding a new
4 section to chapter 15.44 RCW; adding a new section to chapter 15.62
5 RCW; adding a new section to chapter 15.65 RCW; adding a new section to
6 chapter 15.66 RCW; adding a new section to chapter 16.67 RCW; adding a
7 new section to chapter 43.78 RCW; adding a new chapter to Title 15 RCW;
8 and prescribing penalties.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** For the purposes of this chapter:

11 (1) "Director" means the director of agriculture or any qualified
12 person or persons designated by the director of agriculture to act for
13 the director concerning some matter under this chapter.

14 (2) "Department" means the department of agriculture.

15 (3) "Marketing order" means an order issued by the director under
16 this chapter.

17 (4) "Organic food" has the definition in RCW 15.86.020.

18 (5) "Producer" means any person engaged in the business of
19 producing or causing to be produced for market in commercial quantities

1 any organic food. "Producer" includes bailees who contract to produce
2 or grow any organic food on behalf of a bailor who retains title to the
3 seed and its resulting organic food or the organic food delivered for
4 further production or increase.

5 (6) "Affected producer" means any producer of organic food.

6 (7) "Unfair trade practice" means any practice that is unlawful or
7 prohibited under the laws of the state of Washington including but not
8 limited to Titles 15, 16, and 69 RCW and chapters 9.16, 19.77, 19.80,
9 19.84, and 19.83 RCW, or any practice, whether concerning interstate or
10 intrastate commerce that is unlawful under the provisions of the act of
11 Congress of the United States, September 26, 1914, chapter 311, section
12 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal
13 Trade Commission Act of 1914," or the violation of or failure
14 accurately to label as to grades and standards in accordance with any
15 lawfully established grades or standards or labels.

16 (8) "Person" includes any individual, firm, corporation, trust,
17 association, partnership, society, or any other organization of
18 individuals.

19 (9) "Cooperative association" means any incorporated or
20 unincorporated association of producers that conforms to the
21 qualifications set out in the act of Congress of the United States,
22 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large
23 388 as amended, known as the "Capper-Volstead Act" and which is engaged
24 in making collective sales or in marketing any organic food or product
25 thereof or in rendering service for or advancing the interests of the
26 producers of such organic food on a nonprofit cooperative basis.

27 (10) "Member of a cooperative association" or "member" means any
28 producer of organic food who markets his or her product through such
29 cooperative association and who is a voting stockholder of or has a
30 vote in the control of or is under a marketing agreement with such
31 cooperative association with respect to such product.

32 NEW SECTION. **Sec. 2.** The marketing of organic foods within this
33 state is affected with a public interest. It is declared to be the
34 policy and purpose of this chapter to promote the general welfare of
35 the state by enabling producers of organic foods to help themselves in
36 establishing orderly, fair, sound, efficient, and unhampered marketing,

1 grading, and standardizing of the organic foods they produce, and in
2 promoting and increasing the sale of such commodities.

3 NEW SECTION. **Sec. 3.** Marketing orders may be made for any one or
4 more of the following purposes:

5 (1) To establish plans and conduct programs for advertising and
6 sales promotion, to maintain present markets, or to create new or
7 larger markets for any organic food grown in the state of Washington;

8 (2) To provide for carrying on research studies to find more
9 efficient methods of production, processing, handling, and marketing of
10 any organic food;

11 (3) To provide for improving standards and grades by defining,
12 establishing, and providing labeling requirements consistent with
13 chapter 15.86 RCW with respect to the same;

14 (4) To investigate and take necessary action to prevent unfair
15 trade practices.

16 NEW SECTION. **Sec. 4.** Marketing orders and orders modifying or
17 terminating existing marketing orders shall be adopted by the director
18 only after the director has done the following:

19 (1) Received a petition as provided for in section 5 of this act;

20 (2) Given notice of hearing as provided for in section 6 of this
21 act;

22 (3) Conducted a hearing as provided for in section 7 of this act;

23 (4) Made findings and a decision as provided for in section 8 of
24 this act;

25 (5) Determined assent of affected producers as provided for in
26 section 9 of this act.

27 NEW SECTION. **Sec. 5.** Petitions for issuance, amendment, or
28 termination of a marketing order for organic food shall be signed by
29 not less than ten percent or fifty of the producers alleged to be
30 affected, whichever is less, and shall be filed with the director.
31 Such petition shall be accompanied by a filing fee of one hundred
32 dollars payable to the state treasurer; and shall designate some person
33 as attorney-in-fact for the purpose of this section. Upon receipt of
34 such a petition, the director shall prepare a budget estimate for
35 handling such petition that includes the cost of the preparation of the

1 estimate, the cost of the hearings, and the cost of the proposed
2 referendum. The petitioners, within thirty days after receipt of the
3 budget estimate by their attorney-in-fact, shall remit to the director
4 the difference between the filing fee of one hundred dollars already
5 paid and the total budget estimate. If the petitioners fail to remit
6 the difference, or if for any other reason the proceedings for the
7 issuance, amendment, or termination of the marketing order are
8 discontinued, the filing fee, including any additional amount paid in
9 accordance with such budget estimates, shall not be refunded. If the
10 petition results, after proper proceedings, in the issuance, amendment,
11 or termination of a marketing order, the petitioners shall be
12 reimbursed for the amount paid for the total filing fee out of funds of
13 the organic food commission as they become available.

14 NEW SECTION. **Sec. 6.** Upon receipt of a petition for the issuance,
15 amendment, or termination of a marketing order, the director shall
16 establish a list of producers of organic food who are certified under
17 chapter 15.86 RCW. In establishing or making current such a list of
18 producers and their individual production, the director shall use the
19 producer's name, mailing address, and the yearly average fees paid
20 under RCW 15.86.070 by the producer in the three preceding years or in
21 such lesser time as the producer has produced the organic food in
22 question. Information on each producer shall be mailed to the affected
23 producer on record with the director for verification. All corrections
24 shall be filed with the director within twenty days from the date of
25 mailing. The director shall keep lists as current as possible and may
26 require updated information from affected producers at various times in
27 accordance with rules prescribed by the director.

28 The producer list shall be final and conclusive in making
29 determinations relative to the assent by producers upon the issuance,
30 amendment, or termination of a marketing order and in elections under
31 this chapter.

32 The director shall notify affected producers, so listed, by mail
33 that the public hearing affording opportunity for them to be heard upon
34 the proposed issuance, amendment, or termination of the marketing order
35 will be heard at the time and place stated in the notice. The notice
36 of the hearing shall be given not less than ten days nor more than
37 sixty days before the hearing.

1 NEW SECTION. **Sec. 7.** At the public hearing the director shall
2 receive evidence and testimony offered in support of, or opposition to,
3 the proposed issuance of, amendment to, or termination of a marketing
4 order and concerning the terms, conditions, scope, and area thereof.
5 Such hearing shall be public and all testimony shall be received under
6 oath. A full and complete record of all proceedings at such hearings
7 shall be made and maintained on file in the office of the director,
8 which file shall be open to public inspection. The director shall base
9 his or her findings upon the testimony and evidence received at the
10 hearing, together with any other relevant facts available to the
11 director from official publications of institutions of recognized
12 standing. The director shall describe in the findings such official
13 publications upon which any finding is based.

14 NEW SECTION. **Sec. 8.** (1) The director shall make and publish
15 findings upon every material point controverted at the hearing and
16 required by this chapter and upon such other matters and things as he
17 or she may deem fitting and proper. The director shall also issue a
18 recommended decision based upon the director's findings and shall cause
19 copies of the findings and recommended decision to be delivered or
20 mailed to all parties of record appearing at the hearing, or their
21 attorneys of record. The recommended decision shall contain the text
22 in full of any order, or amendment or termination of existing order,
23 and may deny or approve the proposal in its entirety, or it may
24 recommend a marketing order containing other or different terms or
25 conditions from those contained in the proposal: PROVIDED, That the
26 same shall be of a kind or type substantially within the purview of the
27 notice of hearing and shall be supported by evidence taken at the
28 hearing or by documents of which the director is authorized to take
29 official notice. The director shall not approve the issuance,
30 amendment, or termination of any marketing order unless he or she finds
31 with respect thereto:

32 (a) That the proposed issuance, amendment, or termination thereof
33 is reasonably calculated to attain the objective sought in such
34 marketing order;

35 (b) That the proposed issuance, amendment, or termination is in
36 conformity with this chapter and within the applicable limitations, and

1 restrictions in the issuance, amendment, or termination will tend to
2 effectuate the declared purposes and policies of this chapter;

3 (c) That the interests of consumers of the organic food are
4 protected in that the powers of this chapter are being exercised only
5 to the extent necessary to attain such objectives.

6 (2) After the issuance of a recommended decision, all interested
7 parties shall have a period of not less than ten days to file
8 objections with the director. The director shall consider the
9 objections and shall issue a final decision which may be the same as
10 the recommended decision or may be revised in light of the objections.
11 The final decision shall set out in full the text of the order. The
12 director shall deliver or mail copies of the final decision to the same
13 parties to whom copies of the findings and recommended decision are
14 required to be sent. If the final decision denies the proposal in its
15 entirety, no further action may be taken by the director.

16 NEW SECTION. **Sec. 9.** After the issuance by the director of the
17 final decision approving the issuance, amendment, or termination of a
18 marketing order, the director shall determine by a referendum whether
19 the affected producers assent to the proposed action or not. The
20 director shall conduct the referendum among the affected producers
21 based on the list as provided for in section 6 of this act, and the
22 affected producers shall be deemed to have assented to the proposed
23 issuance, amendment, or termination order if sixty percent or more by
24 number and sixty percent or more by amount of assessment paid of those
25 replying assent to the proposed order. The determination by volume
26 shall be made on the basis of volume as determined in the list of
27 affected producers created under section 6 of this act, subject to
28 rules of the director for such determination.

29 NEW SECTION. **Sec. 10.** A marketing order shall define the area of
30 the state to be covered by the order, which may be all or any portion
31 of the state, shall contain provisions for establishment of the organic
32 foods commission and administration and operation and powers and duties
33 of the commission, shall provide for assessments as provided for in
34 this chapter, and shall contain one or more of the provisions in
35 section 3 of this act.

1 NEW SECTION. **Sec. 11.** The marketing order shall establish an
2 organic foods commission composed of not less than five nor more than
3 thirteen members. In addition, the director shall be an ex officio
4 member of the organic foods commission. Commission members shall be
5 citizens and residents of this state, over the age of twenty-five
6 years. The term of office of commission members shall be three years
7 with the terms rotating so that one-third of the terms will commence as
8 nearly as practicable each year. However, the first commission shall
9 be selected, one-third for a term of one year, one-third for a term of
10 two years, and one-third for a term of three years, as nearly as
11 practicable. Two-thirds of the commission members shall be elected by
12 the affected producers and such elected members shall all be affected
13 producers. The remaining one-third shall be appointed by the
14 commission and shall be either affected producers, others active in
15 matters relating to the organic foods or persons not so related.

16 NEW SECTION. **Sec. 12.** Not less than ninety days nor more than one
17 hundred five days before the beginning of each term of each elected
18 commission member, the director shall give notice by mail to all
19 affected producers of the vacancy and call for nominations in
20 accordance with this section and with the provisions of the marketing
21 order and shall give notice of the final date for filing nominations,
22 which shall not be less than eighty days nor more than eighty-five days
23 before the beginning of such term. Such notice shall also advise that
24 nominating petitions shall be signed by five persons qualified to vote
25 for such candidates or, if the number of nominating signers is provided
26 for in the marketing order, such number as such order provides.

27 Not less than sixty days nor more than seventy-five days before the
28 commencement of such commission member term, the director shall submit
29 by mail ballots to all affected producers, which ballots shall be
30 required to be returned to the director not less than thirty days
31 before the commencement of such term. Such mail ballot shall be
32 conducted in a manner so that it shall be a secret ballot. With
33 respect to the first organic foods commission, the director may call
34 for nominations in the notice of decision following the hearing and the
35 ballot may be submitted at the time the director's proposed order is
36 submitted to the affected producers for their assent.

1 The elected members may be elected from various districts within
2 the area covered by the marketing order if the order so provides, with
3 the number of members from each district to be in accordance with the
4 provisions of the marketing order.

5 The members of the commission not elected by the affected producers
6 shall be elected by a majority of the commission at a meeting of the
7 commission within ninety days before expiration of the term but to fill
8 nonelective vacancies caused by other reasons than the expiration of a
9 term, the new member shall be elected by the commission at its first
10 meeting after the occurrence of the vacancy.

11 When only one nominee is nominated for any position on the
12 commission, the director shall deem that the nominee satisfies the
13 requirements of the position and then it shall be deemed that the
14 nominee has been duly elected.

15 NEW SECTION. **Sec. 13.** The organic foods commission shall hold
16 such regular meetings as the marketing order may prescribe or that the
17 commission by resolution may prescribe, together with such special
18 meetings that may be called in accordance with provisions of its
19 resolutions upon reasonable notice to all members thereof. A majority
20 of the members constitutes a quorum for the transaction of all business
21 of the commission. In the event of a vacancy in an elected or
22 appointed position on the commission, the remaining elected members of
23 the commission shall select a qualified person to fill the unexpired
24 term.

25 Each member of the commission shall be compensated in accordance
26 with RCW 43.03.230 and shall be reimbursed for travel expenses in
27 accordance with RCW 43.03.050 and 43.03.060.

28 NEW SECTION. **Sec. 14.** The organic foods commission shall have
29 such powers and duties in accordance with this chapter as may be
30 provided in the marketing order and shall have the following powers and
31 duties:

32 (1) To elect a chair and such other officers as determined
33 advisable;

34 (2) To adopt, rescind, and amend rules reasonably necessary for the
35 administration and operation of the organic foods commission and the
36 enforcement of its duties under the marketing order;

1 (3) To administer, enforce, direct, and control the provisions of
2 the marketing order and of this chapter relating thereto;

3 (4) To employ and discharge at its discretion such administrators
4 and additional personnel, attorneys, advertising and research agencies,
5 and other persons and firms that it may deem appropriate and pay
6 compensation to the same;

7 (5) To acquire personal property and lease office space and other
8 necessary real property and transfer and convey the same;

9 (6) To institute and maintain in its own name any and all legal
10 actions, including actions by injunction, mandatory injunction, or
11 civil recovery, or proceedings before administrative tribunals or other
12 governmental authorities necessary to carry out the provisions of this
13 chapter and of the marketing order;

14 (7) To keep accurate records of all its receipts and disbursements,
15 which records shall be open to inspection and audit by the state
16 auditor at least every five years;

17 (8) To borrow money and incur indebtedness;

18 (9) To make necessary disbursements for routine operating expenses;

19 (10) To expend funds for organic foods-related education, training,
20 and leadership programs as the organic foods commission deems
21 expedient;

22 (11) Such other powers and duties that are necessary to carry out
23 the purposes of this chapter.

24 NEW SECTION. **Sec. 15.** Any member of the organic foods commission
25 may also be a member or officer of an association which has the same
26 objectives for which the organic foods commission was formed. The
27 organic foods commission may also contract with such association for
28 services necessary to carry out any purposes authorized under this
29 chapter, if an appropriate contract has been entered into.

30 NEW SECTION. **Sec. 16.** (1) There is hereby levied, and there shall
31 be collected by the organic foods commission, upon each and every
32 dollar unit of any organic food product specified in any marketing
33 order an annual assessment that shall be paid by the producer thereof
34 upon each and every such dollar unit sold, processed, stored, or
35 delivered for sale, processing, or storage by the producer. Such
36 assessments shall be expressed as a stated percentage of the net unit

1 price at the time of sale. The total amount of such annual assessment
2 to be paid by all affected producers shall not exceed one percent of
3 the total market value of all affected units sold, processed, stored,
4 or delivered for sale, processing, or storage by all affected producers
5 of such units during the year to which the assessment applies.

6 (2) The marketing order shall prescribe the percentage rate of such
7 assessment. Such rate may be at the full amount of, or at any lesser
8 amount than, the amount in this section and may be altered from time to
9 time by amendment of such order.

10 (3) To collect such assessment, each order may require:

11 (a) Stamps to be purchased from the organic foods commission or
12 other authority stated in such order and attached to the containers,
13 invoices, shipping documents, inspection certificates, releases, or
14 receiving receipts or tickets, the stamps to be canceled immediately
15 upon being attached and the date of cancellation placed thereon;

16 (b) Payment of producer assessments before the affected units are
17 shipped off the farm or payment of assessments at different or later
18 times, and in such event the order may require any person subject to
19 the assessment to give adequate assurance or security for its payment;

20 (c) Handlers receiving the organic foods from the producer,
21 including warehousemen and processors, to collect producer assessments
22 from producers whose production they handle and remit the same to the
23 organic foods commission. The lending agency for a commodity credit
24 corporation loan to producers shall be deemed a handler for the purpose
25 of this subsection (3)(c). No affected units may be transported,
26 carried, shipped, sold, stored, or otherwise handled or disposed of
27 until every due and payable assessment required under this section has
28 been paid and the receipt issued, but there is no liability under this
29 section for common carriers in the regular course of their business.

30 NEW SECTION. **Sec. 17.** Moneys collected by the organic foods
31 commission under a marketing order from any assessment for marketing
32 purposes shall be used by the organic foods commission only for the
33 purpose of paying for the costs or expenses arising in connection with
34 carrying out the purposes and provisions of such agreement or order.

35 Upon the termination of any marketing order any and all moneys
36 remaining with the organic foods commission operating under that
37 marketing order and not required to defray expenses or repay

1 obligations incurred by the organic foods commission shall be returned
2 to the affected producers in proportion to the assessments paid by each
3 in the two-year period preceding the date of the termination order.

4 NEW SECTION. **Sec. 18.** Any due and payable assessment levied under
5 this chapter, and every sum due under the marketing order in a
6 specified amount, constitutes a personal debt of every person so
7 assessed or who otherwise owes the same, and the same shall be due and
8 payable to the organic foods commission when payment is called for by
9 the organic foods commission. In the event any person fails to pay the
10 full amount of such assessment or such other sum on or before the date
11 due, the organic foods commission may add to such unpaid assessment or
12 sum an amount not exceeding ten percent of the same to defray the cost
13 of enforcing the collecting of the same. In the event of failure of
14 such person or persons to pay any such due and payable assessment or
15 other such sum, the organic foods commission may bring a civil action
16 against such person or persons in a state court of competent
17 jurisdiction for the collection thereof, together with ten percent
18 provided for in this section, and such action shall be tried and
19 judgment rendered as in any other cause of action for debt due and
20 payable.

21 NEW SECTION. **Sec. 19.** All moneys that are collected or otherwise
22 received under a marketing order created under this chapter shall be
23 used solely by and for the organic foods commission and shall not be
24 used for any other commission or the department. Such moneys shall be
25 deposited in a separate account or accounts in the name of the organic
26 foods commission in any bank that is a state depository. All expenses
27 and disbursements incurred and made pursuant to the provisions of any
28 marketing order shall be paid from moneys collected and received
29 pursuant to such order without the necessity of a specific legislative
30 appropriation and all moneys deposited for the account of any order
31 shall be paid from the account by check or voucher in such form and in
32 such manner and upon the signature of such person as may be prescribed
33 by the organic foods commission. None of the provisions of RCW
34 43.01.050 are applicable to any such account or any moneys so received,
35 collected, or expended.

1 NEW SECTION. **Sec. 20.** Any funds of the organic foods commission
2 may be invested in savings or time deposits in banks, trust companies,
3 and mutual savings banks that are doing business in this state, up to
4 the amount of insurance afforded such accounts by the Federal Deposit
5 Insurance Corporation. This section applies to all funds that may be
6 lawfully so invested that in the judgment of the organic foods
7 commission are not required for immediate expenditure. The authority
8 granted by this section is not exclusive and shall be construed to be
9 cumulative and in addition to other authority provided by law for the
10 investment of such funds.

11 NEW SECTION. **Sec. 21.** Every administrator, employee, or other
12 person occupying a position of trust under any marketing order and
13 every member actually handling or drawing upon funds shall give a bond
14 in such penal amount as may be required by the organic foods commission
15 or by the order, the premium for which bond or bonds shall be paid by
16 the organic foods commission.

17 NEW SECTION. **Sec. 22.** An affected producer subject to a marketing
18 order may file a written petition with the director stating that the
19 order, agreement, or program or any part thereof is not in accordance
20 with the law, and requesting a modification thereof or exemption
21 therefrom. The producer shall thereupon be given a hearing, which
22 hearing shall be conducted in the manner provided in section 7 of this
23 act, and thereafter the director shall make a ruling which shall be
24 final.

25 Appeal from any ruling of the director may be taken to the superior
26 court of the county in which the petitioner resides or has his or her
27 principal place of business, by serving upon the director a copy of the
28 notice of appeal and complaint within twenty days from the date of
29 entry of the ruling. Upon such application, the court may proceed in
30 accordance with RCW 7.16.010 through 7.16.140. If the court determines
31 that the ruling is not in accordance with law, it shall remand the
32 proceedings to the director with directions to make a ruling as the
33 court determines to be in accordance with law or to take such further
34 proceedings as in its opinion are required by this chapter.

35 NEW SECTION. **Sec. 23.** It is a misdemeanor for:

1 (1) Any person willfully to violate any provision of this chapter
2 or any provision of any marketing order duly issued by the director
3 under this chapter;

4 (2) Any person willfully to render or furnish a false or fraudulent
5 report, statement of record required by the director or the organic
6 foods commission under this chapter, or any provision of any marketing
7 order duly issued by the director under this chapter or willfully to
8 fail or refuse to furnish or render any such report, statement, or
9 record so required.

10 In the event of violation or threatened violation of any provision
11 of this chapter or of any marketing order duly issued or entered into
12 under this chapter, the director, the organic foods commission, or any
13 affected producer on joining the organic foods commission shall be
14 entitled to an injunction to prevent further violation and to a decree
15 of specific performance of such order, and to a temporary restraining
16 order and injunction pending litigation upon filing a verified
17 complaint and sufficient bond.

18 All persons subject to any order shall severally from time to time,
19 upon the request of the director, furnish the director with such
20 information as the director finds to be necessary to enable him or her
21 to effectuate the policies of this chapter and the purposes of such
22 order or to ascertain and determine the extent to which such order has
23 been carried out or has effectuated such policies and purposes, or to
24 determine whether or not there has been any abuse of the privilege of
25 exemptions from laws relating to trusts, monopolies, and restraints of
26 trade. Such information shall be furnished in accordance with forms
27 and reports to be prescribed by the director. For the purpose of
28 ascertaining the correctness of any report made to the director under
29 this section or for the purpose of obtaining the information required
30 in any such report where it has been requested and has not been
31 furnished, the director may examine such books, papers, records, copies
32 of tax reports, accounts, correspondence, contracts, documents, or
33 memoranda as the director deems relevant and that are within the
34 control of any such person from whom such report was requested, or of
35 any person having, either directly or indirectly, actual or legal
36 control of or over such person or such records, or of any subsidiary of
37 any such person. To carry out the purposes of this section the
38 director, upon giving due notice, may hold hearings, take testimony,

1 administer oaths, subpoena witnesses, and issue subpoenas for the
2 production of books, records, documents, or other writings of any kind,
3 and section 7 of this act applies with respect to any such hearing,
4 together with such other rules consistent therewith as the director may
5 from time to time prescribe.

6 NEW SECTION. **Sec. 24.** In any civil or criminal action or
7 proceeding for violation of any rule of statutory or common law against
8 monopolies or combinations in restraint of trade, proof that the act
9 complained of was done in compliance with this chapter or a marketing
10 order issued under this chapter, and in furtherance of the purposes and
11 provisions of this chapter, shall be a complete defense to such action
12 or proceeding.

13 NEW SECTION. **Sec. 25.** Obligations incurred by the organic foods
14 commission and any other liabilities or claims against the organic
15 foods commission shall be enforced only against the assets of the
16 organic foods commission in the same manner as if it were a corporation
17 and no liability for the debts or actions of the organic foods
18 commission shall exist against either the state of Washington or any
19 subdivision or instrumentality thereof, or against any member officer,
20 employee, or agent of the organic foods commission in his or her
21 individual capacity. The members of any such commission, including
22 employees of such board, shall not be held responsible individually in
23 any way whatsoever to any person for errors in judgment, mistakes, or
24 other acts, either of commission or omission, as principal, agent,
25 person, or employee, except for their own individual acts of dishonesty
26 or crime. No such person or employee may be held responsible
27 individually for any act or omission of any other member of the organic
28 foods commission. The liability of the members of the organic foods
29 commission shall be several and not joint and no member shall be liable
30 for the default of any other member.

31 NEW SECTION. **Sec. 26.** Nothing in this chapter permits fixing of
32 prices not otherwise permitted by law or any limitation on production
33 and no marketing order or agreement or any rule adopted under it may
34 contain any such provisions.

1 NEW SECTION. **Sec. 27.** All general administrative expenses of the
2 director in carrying out the provisions of this chapter shall be borne
3 by the state: PROVIDED, That the department shall be reimbursed for
4 actual costs incurred in conducting nominations and elections for
5 members of the organic foods commission established under this chapter.
6 Such reimbursement shall be made from the funds of the organic foods
7 commission for which the nominations and elections were conducted by
8 the director.

9 NEW SECTION. **Sec. 28.** The restrictive provisions of chapter 43.78
10 RCW do not apply to promotional printing and literature for the organic
11 foods commission formed under this chapter.

12 NEW SECTION. **Sec. 29.** This chapter may be known and cited as the
13 Washington organic foods commission act.

14 NEW SECTION. **Sec. 30.** Subsequent to the formation of an organic
15 food commission following a referendum vote of affected producers in
16 accordance with section 9 of this act and the establishment of an
17 assessment on organic foods in accordance with section 16 of this act,
18 organic food subject to an assessment by the organic food commission is
19 exempt from assessments by any other commodity commissions formed under
20 chapters 15.24, 15.26, 15.28, 15.44, 15.62, 15.65, 15.66, and 16.67
21 RCW.

22 NEW SECTION. **Sec. 31.** A new section is added to chapter 15.24 RCW
23 to read as follows:

24 Organic foods subject to an assessment by the organic food
25 commission established in accordance with section 9 of this act and
26 levied in accordance with section 16 of this act are exempt from an
27 assessment levied by a commission established under this chapter.

28 NEW SECTION. **Sec. 32.** A new section is added to chapter 15.26 RCW
29 to read as follows:

30 Organic foods subject to an assessment by the organic food
31 commission established in accordance with section 9 of this act and
32 levied in accordance with section 16 of this act are exempt from an
33 assessment levied by a commission established under this chapter.

1 NEW SECTION. **Sec. 33.** A new section is added to chapter 15.28 RCW
2 to read as follows:

3 Organic foods subject to an assessment by the organic food
4 commission established in accordance with section 9 of this act and
5 levied in accordance with section 16 of this act are exempt from an
6 assessment levied by a commission established under this chapter.

7 NEW SECTION. **Sec. 34.** A new section is added to chapter 15.44 RCW
8 to read as follows:

9 Organic foods subject to an assessment by the organic food
10 commission established in accordance with section 9 of this act and
11 levied in accordance with section 16 of this act are exempt from an
12 assessment levied by a commission established under this chapter.

13 NEW SECTION. **Sec. 35.** A new section is added to chapter 15.62 RCW
14 to read as follows:

15 Organic foods subject to an assessment by the organic food
16 commission established in accordance with section 9 of this act and
17 levied in accordance with section 16 of this act are exempt from an
18 assessment levied by a commission established under this chapter.

19 NEW SECTION. **Sec. 36.** A new section is added to chapter 15.65 RCW
20 to read as follows:

21 Organic foods subject to an assessment by the organic food
22 commission established in accordance with section 9 of this act and
23 levied in accordance with section 16 of this act are exempt from an
24 assessment levied by a commission established under this chapter.

25 NEW SECTION. **Sec. 37.** A new section is added to chapter 15.66 RCW
26 to read as follows:

27 Organic foods subject to an assessment by the organic food
28 commission established in accordance with section 9 of this act and
29 levied in accordance with section 16 of this act are exempt from an
30 assessment levied by a commission established under this chapter.

31 NEW SECTION. **Sec. 38.** A new section is added to chapter 16.67 RCW
32 to read as follows:

33 Organic foods subject to an assessment by the organic food

1 commission established in accordance with section 9 of this act and
2 levied in accordance with section 16 of this act are exempt from an
3 assessment levied by a commission established under this chapter.

4 NEW SECTION. **Sec. 39.** A new section is added to chapter 43.78 RCW
5 to read as follows:

6 This chapter does not apply to promotional printing and literature
7 for the organic foods commission formed under chapter 15.-- RCW
8 (sections 1 through 30 of this act).

9 NEW SECTION. **Sec. 40.** Sections 1 through 30 of this act
10 constitute a new chapter in Title 15 RCW.

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